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SERVICE DATE – DECEMBER 5, 2013

SURFACE TRANSPORTATION BOARD

DECISION

Docket No. AB 290 (Sub-No. 349X)

NORFOLK SOUTHERN RAILWAY COMPANY—ABANDONMENT EXEMPTION—IN  
ST. JOSEPH COUNTY, IND.

Decided: December 5, 2013

Norfolk Southern Railway Company (NSR) filed a verified notice of exemption under 49 C.F.R. pt. 1152 subpart F—Exempt Abandonments to abandon a total of approximately 1.5 miles of rail line located in the City of South Bend, St. Joseph County, Ind., extending easterly from milepost PY 1.90 (near the intersection of Prairie Ave. and Edward St.) to milepost PY 2.60/PM 181.80 (near Franklin St. and W Indiana Ave.), and from there southward to milepost PM 181.00 (to the west of W Woodside St.) (the Line). Notice of the exemption was served and published in the Federal Register on November 6, 2013 (78 Fed. Reg. 66,801). The exemption is scheduled to become effective on December 6, 2013.

The Board's Office of Environmental Analysis (OEA) served an environmental assessment (EA) in this proceeding on November 8, 2013. In the EA, OEA states that the Indiana Department of Natural Resources (IDNR) submitted comments listing a number of recommendations/requirements to mitigate potential impacts to fish, wildlife and botanical resources. IDNR also indicated that the proposed abandonment may require its formal approval pursuant to the Flood Control Act (IC 14-28-1). As a result, OEA recommends a condition that requires NSR to consult with IDNR to determine what, if any, permits are needed prior to salvage, and to comply with their reasonable requirements.

Comments on the EA were due by November 26, 2013. The National Geodetic Survey submitted a comment indicating that there are no geodetic markers located along the Line's right-of-way.

Based on OEA's recommendation, the condition proposed in the EA will be imposed.

This decision, and the proposed abandonment, if implemented as conditioned, will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. This proceeding is reopened.

2. Upon reconsideration, the notice served and published in the Federal Register on November 6, 2013, exempting the abandonment of the Line described above is subject to the following condition: prior to commencement of any salvage activities, NSR shall consult with IDNR to determine what, if any, permits are needed and NSR shall comply with IDNR's reasonable requirements if applicable.

3. This decision is effective on its service date.

By the Board, Rachel D. Campbell, Director, Office of Proceedings.